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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

MONDAY, JANUARY 10, 2005

10:00 A.M.

JAMES F. PETERS, CSR, RPR
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Rosario Marin

Mr. Michael Paparian

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Mr. Howard Levenson, Deputy Director

Mr. Michael Bledsoe, Staff Counsel

Mr. John Bell

Mr. Chris Deidrick

Mr. Mark de Bie

Mr. Willy Jenkins

Mr. Jon Whitehill

ALSO PRESENT

Mr. Alan Abbs, Tehama County Local Enforcement Agency

Mr. Evan Edgar, California Refuse Removal Council

Mr. Chuck White, Waste Management

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone. And
3 welcome to the January 10th meeting of the Permitting and
4 Enforcement Committee. There are agendas on the back
5 table, and speaker slips as well. So if anyone would like
6 to speak on an item, please complete a form and bring it
7 up here to Ms. Duclo and she'll bring them up to me, and
8 then you will have an opportunity to address our
9 committee.

10 Also, I would like to ask everyone to please turn
11 off your cell phones and your pagers. And, Donnell, would
12 you please call the roll.

13 SECRETARY DUCLO: Good morning. Board Members
14 Marin?

15 COMMITTEE MEMBER MARIN: Here.

16 SECRETARY DUCLO: Paparian?

17 COMMITTEE MEMBER PAPARIAN: Here.

18 SECRETARY DUCLO: Chair Mulé?

19 CHAIRPERSON MULÉ: Here.

20 Thank you.

21 Members, are there any ex partes?

22 COMMITTEE MEMBER PAPARIAN: I'm up to date.

23 COMMITTEE MEMBER MARIN: No, I don't.

24 CHAIRPERSON MULÉ: I'm up to date as well.

25 We're going to change the order of our agenda

1 just a little bit. We are going to have the Deputy
2 Director's report. And then following that report we are
3 going to open the public hearing on Item F on the proposed
4 regulation for long-term gas violations at permitted
5 facilities. Item B has been pulled. And so we will then,
6 after Item F, hear Items C, D and E. And so with that,
7 Howard, would you please give us your report.

8 Thank you.

9 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
10 Chair. Good morning, board members. I have a number of
11 items I'd like to report to you this month.

12 First of all, progress on La Montana. As you
13 know in mid-November we started moving the mountain. And
14 as of a week ago, we had removed 35 percent of the
15 material with over 2,000 trucks going out of the site. So
16 it's a massive project. We've obviously been slowed to
17 some extent by the holidays and by all the rain down
18 there. But we've still been able to remove the processed
19 material pile much faster than we anticipated.

20 That material is being used for a large end-use
21 project in Long Beach that's in need of that material.
22 And that's proving to be less costly because it's closer.
23 We haven't had any significant adverse incidents to date
24 or comments or complaints from the public. And if we can
25 get a good stretch of weather conditions, it's conceivable

1 that removal could be complete or essentially complete by
2 the end of February. So we're really on track. And Jeff
3 Cornette, and of course Wes and Scott really deserve a lot
4 of kudos for keeping this on track.

5 Secondly, I want to report to you about the
6 Ridgecrest Sanitary Landfill, which you heard last month.
7 You concurred in a revised permit for that landfill in
8 Kern county, but you also noted that there was a long
9 history of violations of State minimum standards at that
10 site, and a lack of follow-up enforcement action by the
11 LEA.

12 The Board asked staff to conduct an additional
13 unannounced inspection, which Chris Deidrick did on
14 January 6th, last week. He noted a violation for
15 inadequate lighting conditions for early work. And areas
16 of concern for a washout on the perimeter road, a
17 depression in intermediate cover that could lead to
18 ponding and some other minor ponding and erosion
19 incidents.

20 After the inspection, he did have an exit
21 interview with the contractor/operator at the landfill,
22 and then with the LEA and the operator at their offices to
23 discuss these findings. So the LEA does plan to increase
24 the number of inspections until the grading and erosion
25 issues are settled and to follow up on the lighting

1 violation. So we will keep track of progress at that
2 site.

3 Thirdly, as in the Board's role as an enforcement
4 agency, I reported last month that we had issued a cease
5 and desist order to A Plus Materials Recycling in Stockton
6 to immediately cease accepting contaminated green waste at
7 its site and to remove the existing pile by the end of the
8 year. I'm happy to report that the mixed C&D debris pile
9 was indeed removed in response to our enforcement order.

10 Then, 4th, as Chair Mulé noted, the proposed
11 permit for Western El Dorado Recovery Systems has been
12 pulled until next month. And I just want to indicate --
13 provide you a little bit of information on that. At our
14 pre-permit inspection last week, we were unable to
15 ascertain separate reporting for the 3 permitted
16 operations, and thus, were unable to determine whether the
17 tonnage at the transfer station was in compliance with the
18 proposed permit conditions.

19 The operator is in the process of transitioning
20 their record-keeping practices for one permitted facility
21 to three separate permitted operations. And they're also
22 transitioning from a quarterly reporting frequency to
23 monthly reports.

24 The operator had not yet completed its 4th
25 quarter report for 2004. These are due January 15th. And

1 they've requested that the proposed permit for the
2 transfer station be pulled from this agenda -- this
3 months's agenda, so they can get their paperwork in order
4 prior to going forward with the proposed permit. We did
5 receive letters from both the operator and the LEA waiving
6 the statutory timeframes, and requesting that the proposed
7 permit be pulled until the February Board meeting. So we
8 expect to see that back next month.

9 And then lastly, a note of sadness -- you know,
10 as we're all overwhelmed by the tragedy in southeast Asia,
11 with the Tsunamis, we had concerns one of our staff
12 people, Jeff Hackett, was actually visiting in-laws in
13 Malasia and was on a beach the day before the Tsunami hit.
14 He and his family are okay. But clearly, that's an
15 enormous tragedy for all of us around the world.

16 Internally, we've had our own tragedy. As most
17 of you are aware, it's with great sadness that we -- that
18 See Chuan -- we learned that See Chuan Lee of our solid
19 waste cleanup program passed away last month. And some of
20 us went to his memorial service last week, the funeral
21 service with the family and then a memorial service over
22 the weekend. And it was quite amazing, there were over
23 200 people at the memorial service, and talked about See
24 Chuan's compassion and kindness. And his kind and quiet
25 way of being a gentleman and holding everybody together.

1 And it was a real testimony to him. So I want to just
2 keep him in our memory.

3 And that is the end of my report for this month.

4 CHAIRPERSON MULÉ: Thank you, Howard.

5 COMMITTEE MEMBER MARIN: Madam Chair, I just have
6 a small question regarding the site visit -- the
7 unscheduled -- or what do you call it? Unannounced --
8 thank you -- inspection. The violations that were found,
9 they're minor violations. I mean, these are not something
10 that will trigger another --

11 DEPUTY DIRECTOR LEVENSON: These are correctable
12 violations, yes.

13 COMMITTEE MEMBER MARIN: Okay. And did the
14 weather in any shape or form have anything to do with
15 them --

16 DEPUTY DIRECTOR LEVENSON: I could ask Chris
17 Deidrick who did the inspection?

18 COMMITTEE MEMBER MARIN: -- or aggravated the
19 situation?

20 DEPUTY DIRECTOR LEVENSON: Chris, if you wouldn't
21 mind coming up and talking a little bit about the
22 inspection. I think it was raining at the time, so it's
23 certainly part of those kind of circumstance.

24 MR. DEIDRICK: Good morning. Yeah, the week
25 prior and also the day before, there was some

1 precipitation in the area. And some of the minor areas of
2 concern that were found had to do with some erosion
3 channels, which in some cases were deep, but there was no
4 waste exposed. And they were on slopes that were newly
5 installed. And sometimes you can have these expectations,
6 where water runoff will result in some erosion in these
7 areas.

8 There was a bit of ponding but that was -- here
9 again, that was -- one of the berms had collapsed when it
10 was raining really heavily, and the operator was in the
11 process of cleaning that up. And the only violation found
12 at that time was that lack of lighting when the tarps were
13 being pulled. A couple of the contract operator
14 employee's were pulling tarps, and they should have had
15 the light standard on at that point, and that wasn't done.

16 But the erosion and drainage areas of concern
17 were due to the weather.

18 COMMITTEE MEMBER MARIN: Well, the reason why I
19 asked is because oftentimes if it had been any other time,
20 that probably wouldn't have been a problem. And just
21 because we are looking at these people and scrutinizing
22 them, then the magnifying glass, it's bigger. But I think
23 that we just need to -- I think we're doing a great job.
24 And I'm glad you did it. And I'm glad it was unannounced.
25 But I just think that we -- how can I put it? We take

1 into consideration every other landfill would probably be
2 facing the same situation if it was with rainy conditions.

3 So just -- let's not put even the magnifying
4 glass even bigger than we need. We do a great job, but we
5 need to work with them. So thank you very much.

6 COMMITTEE MEMBER PAPARIAN: I think in this case
7 in the past there's been some sloppiness to their
8 operation. And in some ways going there during adverse
9 conditions is probably better, because I mean that's when
10 you are -- that's when you want to make sure that they're
11 operating as cleanly and efficiently as possible.

12 The berms, these other things are meant to help
13 in the event of a lot of rain or in the event of adverse
14 conditions. And they should be operating well and or they
15 should be able to respond very quickly if anything arises.

16 COMMITTEE MEMBER MARIN: Yeah, I do appreciate
17 that.

18 COMMITTEE MEMBER PAPARIAN: I think they probably
19 know that they could be -- you know, they could be
20 scrutinized on an unannounced basis. Hopefully, they'll
21 be more on their toes to get on top of these things.

22 COMMITTEE MEMBER MARIN: I think we get them on
23 their toes, though. You know, I just -- I think that
24 there's a balance where I'm sure they're already trying to
25 do everything they can. And extreme weather conditions

1 make it a little bit more difficult. We do our job.
2 We're on it. We call them. They respond. They're doing
3 everything they can. I think that the response time for
4 them now is probably going to be much faster than it ever
5 was. So while the light is shining on them, let's not
6 make it so severe that we blind them by it.

7 COMMITTEE MEMBER PAPARIAN: Could I just ask a
8 quick question on La Montana. Just in the material that's
9 been removed so far, presumably there's been nothing
10 unusual found? It's just what was expected.

11 DEPUTY DIRECTOR LEVENSON: It's been what's
12 expected. And we've also had all the air monitoring
13 systems functional, haven't had anything that's been, you
14 know, out of the ordinary at the site.

15 COMMITTEE MEMBER PAPARIAN: Thanks.

16 CHAIRPERSON MULÉ: Thank you, Howard.

17 Let's move to Item F.

18 CHIEF COUNSEL CARTER: Madam Chair. Marie
19 Carter. You might want to take ex partes at this point.

20 CHAIRPERSON MULÉ: We did.

21 CHIEF COUNSEL CARTER: Did you? I'm sorry. I
22 missed that.

23 CHAIRPERSON MULÉ: Yeah, we did.

24 DEPUTY DIRECTOR LEVENSON: Okay. Item F is a
25 public hearing on the proposed regulations for long-term

1 gas violations at permitted facilities. That presentation
2 is going to be made by John Bell who will provide you a
3 little bit of history on this, and also indicate at the
4 end that we do plan to meet with various commenters before
5 bringing a consideration item back to the Committee and
6 the Board.

7 MR. BELL: Madam Chair and committee members,
8 this agenda item serves as the public hearing on the
9 long-term gas violation regulations.

10 The purpose today is to accept additional
11 comments over those already received during the formal
12 45-day comment period.

13 Just to give you a brief history, this practice
14 began in 1994. Then in December of 2000, the California
15 State Auditor published a report with the finding that the
16 practice was inconsistent with State law. As a result, at
17 its January 2001 meeting, the Board directed staff to work
18 with 2 board member offices to develop regulatory concepts
19 in bringing them to the Board for consideration.

20 The Permitting and Enforcement Committee further
21 discussed this at its August 2002 meeting. Also, to help
22 provide guidance on this issue, Board staff convened a
23 panel of technical landfill gas experts. We refer to it
24 as the Technical Advisory Group.

25 In September 2003, the Permitting and Enforcement

1 Committee directed staff to develop a new Regulation that
2 codifies the existing long-term gas violation practice,
3 including the ten concepts and a provision for civil
4 administrative penalties.

5 In November 2003, Board staff held an informal
6 workshop on the draft regulations. And then at its April
7 2004 meeting, the Board directed staff to put this
8 practice into regulations and Notice of Proposed
9 Regulations.

10 It's extremely important to notice that staff was
11 also directed to continue to implement the existing
12 practice until the new regulations become law. To briefly
13 explain the practice itself, it allows the Board to concur
14 with the solid waste facility permit revision for a
15 landfill that, at the time, has a long-term gas violation
16 in effect. This practice is limited in scope, extremely
17 limited.

18 It only applies to disposal sites in the revision
19 process, with violations that take longer than 90 days to
20 correct, and with no imminent threat to public health,
21 safety or the environment and which are under a Notice and
22 Order from the EA, and are which in compliance with that
23 Notice and Order.

24 Over the past 10 years, the practice has been
25 applied at only 21 facilities, to give you an idea of the

1 scope of it.

2 Where there's no imminent threat allowing a
3 landfill to operate with a landfill gas violation has to
4 date created no known health or environmental problems.

5 For landfills under the practice, the in-place
6 waste mass will continue to produce about the same levels
7 of gas at the property boundary whether or not waste is
8 accepted.

9 This draft regulation has been written to include
10 more than just existing practice, at P&E Committee
11 direction staff has added the 10 regulatory concepts and a
12 reference for civil administrative penalties. During the
13 45-day comment period, which ended December 22nd of last
14 month, comments were received from 4 parties, from the
15 Glenn County Environmental Services Agency, from Orange
16 County Health Care Agency, from Waste Management and from
17 the Rural Counties Environmental Services Joint Powers
18 Authority. We've already had informal discussions with
19 several of these stakeholders.

20 So, in conclusion, staff plans, as Howard said,
21 later this month to have a meeting and/or conference call
22 with all concerned parties to go over their concerns in
23 detail before returning to Committee for either an
24 additional 15-day comment period or adoption.

25 CHAIRPERSON MULÉ: Thank you, John. We do have 3

1 speakers signed up. And, again, I just want to remind
2 everyone that if you do want to speak on this topic,
3 please fill out a form and bring it up to Donnell.

4 Our first speaker is Mr. Alan Abbs.

5 MR. ABBS: Good morning, Madam chair and members
6 of the Committee. My name is Alan Abbs. I'm the solid
7 waste director for Tehama County. And I'm also here
8 representing the Rural Counties Environmental Services
9 Joint Powers Authority, and my comments are very brief.

10 And what I'd like to stay, first of all, is that
11 the ESJPA supports the concept of these long-term gas
12 violation regulations. And as an example, Tehama County
13 recently went through a permit process for a new landfill,
14 which took several years to get through the process, but
15 eventually we did.

16 And I think the overall, not to say that Tehama
17 County was ahead of its time, but a lot of these concepts
18 were probably put into place in going through this permit
19 for Tehama County. And as part of that, I'd like to also
20 acknowledge the support we received from Christy Karl, Sue
21 O'Leary, and Mark De bie in helping us get through the
22 problem.

23 So overall we do support the concept. We do have
24 some concerns about what seems to be some harsh language
25 that's in the proposed regulations. And as Mr. Bell

1 mentioned, Jim Hemminger has discussed these concerns with
2 members of staff and has been assured that they'll be
3 contacting him in the future to I guess further address
4 these concerns.

5 And so overall we're hopeful that either within
6 the Statement of Reasons or within the regulations itself,
7 that we can, I guess, continue the spirit of the long-term
8 gas violation regulations that were put in place in going
9 through the Tehama county permit process.

10 And that's all I have to say.

11 COMMITTEE MEMBER MARIN: What's the specific
12 harsh language that you're referring to?

13 MR. ABBS: Let me -- it mostly has to do with the
14 acquisition of buffer property. And in rural counties,
15 the acquisition of buffer property is a legitimate way to
16 mitigate some gas problems. And a lot of the rural county
17 landfills do have large amounts of open space that
18 separate those landfills from residential areas. And so
19 in that case, the purchase of property could be a good fix
20 for problems that they're having.

21 But at the same time, the regulations imply that
22 the counties could have to go through a process of
23 determining further air and water impacts due to that
24 buffer acquisition, which could end up slowing up the
25 process making it not as advantageous to go through the

1 buffer acquisition process as other methods.

2 COMMITTEE MEMBER MARIN: And do you have specific
3 language that you have submitted for consideration?

4 MR. ABBS: We have submitted a letter. It was
5 December 22nd of last year, submitted to John Bell. And
6 they have received it, and have said that they would be
7 meeting with us to discuss that.

8 COMMITTEE MEMBER MARIN: Okay.

9 MR. ABBS: Thank you.

10 CHAIRPERSON MULÉ: Thank you.

11 Our next speaker is Chuck White.

12 MR. WHITE: Thank you, Madam Chair and members of
13 the Committee. Chuck White representing Waste Management.
14 We, likewise, support the thrust and intent of these
15 regulations to provide a structure for permitting of solid
16 waste landfills in the event that there is long-term gas
17 violations.

18 Our only concern, which we have provided written
19 comments, is that the language could be construed to mean
20 that if there is a compliance order that all provisions of
21 the compliance order have to be complied with and
22 completed prior to the permitting. And we would like to
23 have that language clarified, such that only those
24 portions of the compliance order that are required to be
25 in effect at the time that the permit action is taken,

1 have to be complied with.

2 We have submitted some suggested language that we
3 think would address that, but we're open to whatever way
4 the staff would believe most appropriate to address this
5 particular concern. We look forward to the stakeholder
6 meeting that I believe is going to be scheduled for later
7 in the month. And we had a very cooperative working
8 relationship so far, and we anticipate that to continue.

9 So thank you very much.

10 CHAIRPERSON MULÉ: Thank you.

11 Any questions?

12 COMMITTEE MEMBER MARIN: You're already working
13 on that, right?

14 DEPUTY DIRECTOR LEVENSON: Yeah. We have that
15 letter from Mr. White, and we'll be addressing that in the
16 meeting.

17 CHAIRPERSON MULÉ: Our next speaker is Evan
18 Edgar.

19 MR. EDGAR: Good morning, Madam Chair and Board
20 members. My name is Evan Edgar representing the
21 California Refuse Removal Council. I'm their engineer.
22 And we support the concepts that Waste Management put
23 forth in that letter and look forward to being a
24 stakeholder in that process.

25 Thank you.

1 CHAIRPERSON MULÉ: Thank you.

2 Are there any other speakers in the audience?

3 No?

4 With that, I guess we can close the public
5 hearing. And I just want to reiterate what Howard had
6 said earlier that staff is planning on meeting with the
7 stakeholders, particularly those that have already
8 submitted comments and address those to the best that we
9 can.

10 So with that, any other questions or comments?

11 COMMITTEE MEMBER MARIN: Then after that, it will
12 be -- if we decide to change the language, should we
13 change the language, at that point in time, then it would
14 be 15 more days?

15 DEPUTY DIRECTOR LEVENSON: Correct. Unless, we
16 determine that they're insubstantial changes, but probably
17 we'll have to go out for another 15 days.

18 COMMITTEE MEMBER MARIN: Thank you.

19 COMMITTEE MEMBER PAPARIAN: Just a tiny bit on
20 the history of this. We have in place a policy, which I'm
21 not supposed to call an underground regulation, but it
22 feels like an underground regulation. It's something that
23 allows people to do things in a way that, you know -- in
24 certain ways. And it kind of has the look and feel of a
25 regulation. So this is a way of being a little more

1 upfront and legitimate about what we're doing with
2 long-term gas violations.

3 It's the result of kind of a delicate dance and
4 compromise. We had a lot of discussions between industry
5 and environmental folks. And I think staff has done a
6 very good job of trying to come up with something that
7 addresses the concerns that were raised.

8 I know Mr. Roberti and Mr. Jones at the time, I
9 think, came up with the initial outline of what would meet
10 some environmental and public needs and industry needs at
11 the same time in a balanced way. So keeping the balance
12 as we go forward I think will be important.

13 CHAIRPERSON MULÉ: Thank you.

14 Thank you all.

15 Our next item is Item C.

16 DEPUTY DIRECTOR LEVENSON: Item C is
17 consideration of a revised full solid waste facilities
18 permit for the John Smith Road Landfill in San Benito
19 County. And one of the reasons why we changed the order
20 in the agenda was because this landfill has a long-term
21 gas violation. And so it falls under, at this point, the
22 existing policy. So we wanted to also provide a little
23 context through the public hearing.

24 Jon Whitehill is going to provide a presentation
25 on this permit.

1 MR. WHITEHILL: Hello, is this microphone on?

2 Good. I didn't see the light.

3 Good morning. The John Smith Road Landfill is an
4 existing landfill located about 5 miles southeast of the
5 City of Hollister in San Benito county. It's owned and
6 operated by the County Integrated Waste Management
7 Department. The landfill is currently permitted for a
8 peak of 500 tons per day. And they're also permitted for
9 a monthly average of 250 tons per day. However, the
10 landfill currently receives an average of less than about
11 200 tons per day.

12 The proposed changes associated with this permit
13 revision include changing the permitted average tonnage
14 from a monthly average to an annual average of 250 tons.
15 This is to better accommodate seasonal fluctuations in the
16 waste stream. Also, the permitted peak tonnage will not
17 change in this case. It will remain at 500 tons per day.

18 The other change is the LEA is striking the
19 specific operating hours from the permit, and instead
20 referencing the hours specified in the RDSI The permit
21 will continue to restrict the landfill to the daylight
22 hours between sunrise and sunset to be consistent with
23 CEQA.

24 Also, the landfill is implementing a permanent
25 public Household Hazardous Waste collection facility.

1 At the time that the LEA submitted the proposed
2 permit, ongoing permit or gas violations were not yet
3 corrected. And as you know from the previous item, the
4 Board currently provides a procedure, which is soon to be
5 regulations, that addresses such long-term violations
6 during the permit process.

7 The LEA issued the compliance schedule when the
8 landfill was added to the inventory and has since
9 incorporated that compliance schedule into a Notice and
10 Order.

11 And with the issuance of that Notice and Order on
12 January 4th, Board staff can now make the 4 findings of
13 the Board's long-term gas violation procedure. Those are
14 covered in detail on page 4 of the agenda item.

15 And incidentally, that facility and the proposed
16 permit are also essentially consistent with the proposed
17 regulations as they're written today.

18 So in summary, Board staff have concluded that
19 all the requirements have been fulfilled. And Board staff
20 recommend that the Board adopt Board Resolution number
21 2005-24, concurring with the issuance of Solid Waste
22 Facilities Permit Number 35-AA0001. The LEA and operator
23 are both here in case you have any additional questions.

24 Thank you.

25 CHAIRPERSON MULÉ: Thank you. Are there any

1 questions for staff from any of our Committee Members?

2 COMMITTEE MEMBER PAPARIAN: I'll ask a quick one.

3 So the revisions that we got in the last few days indicate
4 the Notice and Order was issued on January 4th.

5 MR. WHITEHILL: Correct.

6 COMMITTEE MEMBER PAPARIAN: And what are the --
7 remind me of the deadlines in the Notice and Order. When
8 are things going to be happening?

9 MR. WHITEHILL: Well, the first deadline is 6
10 months from now. And the first deadline says that if they
11 haven't made substantial progress towards getting the one
12 last remaining well below 5 percent, then they need to
13 come up with a secondary plan -- a contingency plan. And
14 then the second deadline after that is at the very latest,
15 they have to be in compliance one year from the date that
16 the -- they were added to the inventory, which will be
17 October of 2005. So that's --

18 COMMITTEE MEMBER PAPARIAN: By October 2005 that
19 the hot well needs to be down below the standards?

20 MR. WHITEHILL: Correct.

21 COMMITTEE MEMBER PAPARIAN: And if it's not, at
22 that point?

23 MR. WHITEHILL: The Notice and Order allows for
24 the LEA to take civil penalties and fines, et cetera.

25 COMMITTEE MEMBER PAPARIAN: Okay.

1 CHAIRPERSON MULÉ: Thank you.

2 Do I have a motion?

3 COMMITTEE MEMBER MARIN: I'll move approval of
4 Resolution 2005-24.

5 COMMITTEE MEMBER PAPARIAN: Second.

6 CHAIRPERSON MULÉ: So we have a motion from Board
7 Member Marin to move approval, seconded by Board Member
8 Paparian?

9 Could you call the roll?

10 SECRETARY DUCLO: Certainly?

11 Members Paparian?

12 COMMITTEE MEMBER PAPARIAN: Aye.

13 SECRETARY DUCLO: Marin?

14 COMMITTEE MEMBER MARIN: Aye.

15 SECRETARY DUCLO: Chair Mulé?

16 CHAIRPERSON MULÉ: Aye.

17 DEPUTY DIRECTOR LEVENSON: Can we place that on
18 consent, Madam Chair?

19 CHAIRPERSON MULÉ: Yes, place this one on
20 consent.

21 DEPUTY DIRECTOR LEVENSON: Thank you.

22 CHAIRPERSON MULÉ: Okay, the next item.

23 DEPUTY DIRECTOR LEVENSON: Item D is
24 consideration of a revised full solid waste facilities
25 permit for the Mission Road Recycling and Transfer Station

1 in the City of Los Angeles.

2 Willy Jenkins will present that item.

3 MR. JENKINS: Good morning, Madam chair and
4 committee members. Agenda Item 3 is for consideration of
5 a revised solid waste facilities permit for Mission Road
6 Recycling and Transfer Station in the City of Los Angeles.

7 The proposed permit would allow the following 3
8 changes:

9 Increase in tonnage from 1,500 tons per day to
10 1,785 tons per day; allow the receipt of self-haul waste
11 loads outside the transfer station building; and change
12 the traffic volume accounting method without changing the
13 total permitted traffic volume.

14 Board staff has determined all the requirements
15 for the proposed revised permit have been fulfilled.
16 Therefore, staff recommends the Board adopt Board
17 Resolution number 2005-25, concurring with the issuance
18 with Solid Waste Facility Permit number 19-AR1183.

19 This concludes staff's presentation. I can
20 answer any questions.

21 CHAIRPERSON MULÉ: Thank you very much.

22 Do we have any questions for staff?

23 COMMITTEE MEMBER PAPARIAN: No, I actually was
24 curious where this was? I actually drove -- I was going
25 through downtown LA the other day. First of all, it's

1 kind of hard to find, but it is in an industrial area
2 that's very appropriate for this sort of facility.

3 COMMITTEE MEMBER MARIN: Move approval of
4 Resolution 2005-25.

5 CHAIRPERSON MULÉ: We have a motion.

6 COMMITTEE MEMBER PAPARIAN: Second.

7 CHAIRPERSON MULÉ: Second by Board Member
8 Paparian.

9 Could we substitute the previous roll?

10 Thank you.

11 And, Howard, this can go on consent as well.

12 DEPUTY DIRECTOR LEVENSON: Thank you.

13 CHAIRPERSON MULÉ: Great, thank you.

14 Next item.

15 DEPUTY DIRECTOR LEVENSON: Our last item, Item E,
16 is consideration of a revised solid waste facilities
17 permit for the Tehachapi Sanitary Landfill in Kern county.
18 Chris Deidrick will present that item.

19 MR. DEIDRICK: Good morning again. The Tehachapi
20 Sanitary Landfill was last issued a permit on September
21 21st, 2001. The facility is open to both franchise and
22 public haulers. And it has a permitted tonnage of 370
23 tons per day. The facility is owned and operated by the
24 Kern County Waste Management Department.

25 The operator is requesting the following 4

1 changes to the current solid waste facilities permit:

2 Delete references to the holidays that were in
3 the permitted hours of operation section of the permit.
4 This will now be in the RDSI or the Reported Disposal Site
5 Information only. Increase the tonnage volume from 125 to
6 400 vehicles per day. I mean -- did I say tonnage? I
7 meant traffic volume. Pardon me.

8 Clarify universal waste in the prohibition
9 section of the permit to include the acceptance of motor
10 oil and cathode ray tube devices. And then some cleanup
11 language in the enforcement agency conditions section of
12 the permit.

13 At the time the agenda item was prepared by Board
14 staff, they had not determined if the design and the
15 operation of the landfill was consistent with State
16 minimum standards, and if the preliminary closure,
17 post-closure maintenance plan was complete.

18 Since that time, Board staff have determined that
19 the requirements for the proposed permit have been met.
20 And for your information, the inspection that was
21 conducted on January 5th was unannounced to both the LEA
22 and the operator.

23 In conclusion, board staff recommends that the
24 Board adopt Board Resolution number 2005-26 concurring
25 with the issuance of solid waste facility permit number

1 15AA-0062. And here today are the Kern county Local
2 Enforcement Agency representative and representatives from
3 the operator.

4 DEPUTY DIRECTOR LEVENSON: Madam Chair, I just
5 want to note for the record that we will change the
6 resolution to reflect the recommendation to concur as this
7 was written before we had sufficient information.

8 CHAIRPERSON MULÉ: Right.

9 Okay, thank you, Howard.

10 Are there any questions of staff?

11 COMMITTEE MEMBER MARIN: No.

12 CHAIRPERSON MULÉ: Okay. So do we have a motion
13 to approve?

14 COMMITTEE MEMBER MARIN: Move approval of
15 Resolution 2005-26.

16 COMMITTEE MEMBER PAPARIAN: Second.

17 CHAIRPERSON MULÉ: Moved by Chairwoman Marin and
18 seconded by Board Member Paparian. Substitute the
19 previous roll.

20 Thank you.

21 And, Howard, this can go on consent as well.

22 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
23 Chair.

24 CHAIRPERSON MULÉ: Howard, I do have a question
25 going back to, I believe it's Item 2 for the John Smith

1 Landfill. That is one of the landfills that is on our
2 inventory of facilities that violate State minimum
3 standards. And I know that a few months ago we had talked
4 about getting that list to go live so to speak. And I was
5 just wondering what the status of that is.

6 DEPUTY DIRECTOR LEVENSON: Thank you for bringing
7 that up, Madam Chair. That is something that we are
8 trying very hard to get live. We've been working with our
9 information management branch. So that it would be live
10 reporting of any facilities that go on the inventory, and
11 we wouldn't have to just come to you in kind of a static
12 reporting role every 6 months or have a static stable on
13 the web site. It would be updated as soon as they go on.

14 So I appreciate your concern about that. And we
15 will continue to work with IMB to get that up as soon as
16 possible.

17 CHAIRPERSON MULÉ: Do we have a time line?

18 DEPUTY DIRECTOR LEVENSON: It should be hopefully
19 within the next few weeks, I believe. But I need to
20 confirm that.

21 CHAIRPERSON MULÉ: Thank you.

22 COMMITTEE MEMBER PAPARIAN: So there's no
23 confusion, I know the people from San Benito County are
24 still here. This isn't specifically to the John Smith
25 Landfill. This is related to any facility that would --

1 CHAIRPERSON MULÉ: Right.

2 COMMITTEE MEMBER PAPARIAN: -- come up in
3 violation.

4 CHAIRPERSON MULÉ: Yes.

5 COMMITTEE MEMBER MARIN: I have one more question
6 regarding the unannounced visits. Now, as a matter of
7 rule, all of our visits are supposed to be unannounced,
8 correct?

9 Or how does it work? Because I want to have as
10 many unannounced visits as possible.

11 DEPUTY DIRECTOR LEVENSON: That's certainly is
12 our --

13 COMMITTEE MEMBER MARIN: That is a general rule.

14 DEPUTY DIRECTOR LEVENSON: Yeah. It certainly is
15 the general practice that LEAs conduct in terms of
16 unannounced visits. It's certainly what we try to do.

17 Often though in terms of coordinating, we do let
18 the LEA know that we're going to be going to a particular
19 site.

20 MR. de BIE: If I may. Mark de Bie with
21 Permitting and Inspection. Board staff does various types
22 of inspections of facilities. And one of the main
23 mandated inspections we do is what we refer to as 18-month
24 inspection of landfills. And that's in statute.

25 And that inspection is really designed as a tool

1 to evaluate the LEA. It factors a lot into the LEA
2 evaluation. And it's a side-by-side inspection with the
3 LEA.

4 So for those, we make an effort to ensure the LEA
5 is present, because that's why we're there. So those have
6 to be announced at least to the LEA and then we encourage
7 them not to inform the operator. We certainly don't
8 inform the operator. Pre-permit inspections are ones that
9 we do per the request of the Board to independently
10 evaluate compliance status of the site, when the permit is
11 coming up. And so those can be unannounced when feasible.
12 So we'll make an effort to, you know, look at the
13 situation. If there aren't any issues relative to the
14 site in terms of doing an unannounced, we'll endeavor to
15 do that.

16 Again, we would like to have the LEA present
17 because any follow up that might result from that
18 inspection would be something the LEA needs to address.
19 And so we'll, you know, as Chris has done with his
20 inspections, is call the LEA and try to get them there, at
21 least afterwards, you know, follow up with them and that
22 sort of thing.

23 So I guess what I'm saying is some we need to
24 have announced at some level and others we don't. So
25 we'll look for opportunities to do the unannounced,

1 because we do see the value in that coming up and just
2 seeing it raw, if you will.

3 COMMITTEE MEMBER MARIN: Well, for some of the
4 enforcement procedures, and for the enforcement practice
5 more than anything else, it would seem to me that to make
6 it as legitimate as possible that an unannounced visit
7 carries far more weight than letting everybody know that
8 the inspectors are coming you know.

9 On an 18 month, I mean, if they know -- you know,
10 I choose to believe that most businesses are conducted
11 well and in line and legally. But for those that do not,
12 and they choose not to carry out what is prescribed by
13 law, unannounced inspections are really the best way. And
14 they validate all the other inspections.

15 So I just -- you know, I know that there is --
16 that there might have been, at one point in time, some
17 criticism of our enforcement practices, but, you know,
18 this would certainly take out that -- I think we do a
19 great job. But to further that, I think that that
20 legitimizes even more the work that we do.

21 CHAIRPERSON MULÉ: Thank you, Chair Marin.

22 Any other comments?

23 Are there any other comments from the public?

24 Seeing none, this meeting is adjourned.

25 Thank you all.

1 (Thereupon the California Integrated Waste
2 Management Board, Permitting and Enforcement
3 Committee meeting adjourned at 10:40 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 10th day of January, 2005.

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